

UNITED STATES DISTRICT COURT

for the
District of Montana
Billings Division

Case No. _____

(to be filled in by the Clerk's Office)

Ryan Patrick Sullivan

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

The Thirteenth Judicial District
Court, The Yellowstone County CA
Office

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

"see attached"

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Defendants

Judge Michael G. Moses

The Yellowstone County Sheriffs Office

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Ryan Patrick Sullivan

All other names by which
you have been known:

ID Number

3025411

Current Institution

Montana State Prison

Address

700 Conley Lake Road

Deer Lodge

MT

59722

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

The Thirteenth Judicial District Court

Job or Title (*if known*)

Shield Number

Employer

State of Montana / Yellowstone County

Address

P.O. Box 35025

Billings

MT

59107

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 2

Name

The Yellowstone County Attorney's Office

Job or Title (*if known*)

Shield Number

Employer

State of Montana / Yellowstone County

Address

P.O. Box 35025

Billings

MT

59107

City

State

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 3

Name

Michael G. Moscs

Job or Title (if known)

Judge

Shield Number

Employer

State of Montana / Yellowstone County

Address

P.O. Box 35028

Billings
CityMT
State59107
Zip Code

Individual capacity



Official capacity

Defendant No. 4

Name

The Yellowstone County Sheriffs Office

Job or Title (if known)

Shield Number

Employer

Yellowstone County

Address

Billings
CityMT
State59101
Zip Code

Individual capacity



Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1st, 5th, 6th, 8th, 13th, 14th. Amendments, negligence, improper influence, conspiracy against civil, human, and constitutional rights. prejudicial bias

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

All four defendants neglected to protect plaintiff's rights see
 II, B. when crimes were committed against plaintiff refer to CV-20-00080
 which can only amount to a conspiracy at this point
 prejudicial bias. ex parte communication without my
 III. Prisoner Status libel, slander knowledge

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

During the pendency of my incarceration
 during the proceedings.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

CV. 20-00080 - BLG - SPW - TJC

C. What date and approximate time did the events giving rise to your claim(s) occur?

From 2017 until present

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

"see attached"

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

mental anguish, loss of liberty, blatant disregard for safety and civil, constitutional, & human rights.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I am respectfully requesting money damages in the amount of 10 million dollars for the negligence of all parties and for the facts in IV. Statement of Claim D.

IV. Statement of Claim

D.

The Thirteenth Judicial District Court, Judge Michael G. Moses and the Yellowstone County Attorney's Office have all neglected to provide relief as it had been requested for well over a year. The Court and County Attorney's Office were well aware of police officers making false statements to initiate charges. The County Attorney's Office then sunk to an all time low by coaching a witness on the stand and obviously improperly influenced other proceedings in and out of the court to cover-up the police officers illegal activities. The County Attorney's Office pressured and bullied a witness to commit perjury then misrepresent themselves further by accepting bribes, flat out lying in a

bond reduction hearing, and resorting to libel and slander which became one of their most famous tactics. The Court and Judge Michael G. Moses knows about the multiple misrepresentations, negligence, omitted facts and blatant disregard for the plaintiff. It could not be more apparent to the fact that the Judges Michael G. Moses' prejudicial bias in favor of the State as Sarah L. Hyde used to be his Clerk part of the reason. Plaintiff's attorney dismantled both prosecutors careers in and out of Court only for the Judge to cover up for them. The rulings made no sense and was quite obvious, judicial bias. I have reason to believe there were ex parte communications without my knowledge which further adversely affected the proceedings.

The transcripts provide a deeper and clear look on that scenario. The Court also violated speedy trial rights by almost double the time. This is well documented along with the other non-sense allowed in this courtroom. When an actual crime that occurred in their custody, they balked and tried to cover it up and did nothing along with the Yellowstone County Sheriff's Office. Judge Moser even put out an Order alleging something that was never even alleged. This witch hunt and farce has gone on long enough. Further injury should not have to be endured. "see CV-20-080-BLG-SPW-TJC

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

*Yellowstone County Detention Facility and now
continues while at MSP*

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Yellowstone County Detention Facility. Complaints to Judicial Standards Commission, County Attorney's Office, the Courts, Commission of Political Practices, Investigators, Attorneys, Montana Supreme Court, Attorney General, Justice Department in D.C.

2. What did you claim in your grievance?

The facts that can be found in IV Statement of Claim.

3. What was the result, if any?

Nothing to my knowledge but it is quite possible that there is an open investigation into this as egregious as it is.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Always followed the chain of command until my grievance process was taken from me.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Officials were always informed through grievance, complaints, letters, Kites, and through speaking with them.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Clerk of the District Court of Yellowstone does not comply with my document requests.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

N/A

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

Some facts, all are related

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) *Ryan Patrick Sullivan*

Defendant(s) *Wold, Benchler, Halverson, Hyde, Rose-Feringer*

2. Court (if federal court, name the district; if state court, name the county and State)

U.S. District Court, District of Montana, Billings Division

3. Docket or index number

CV 20-00080 BLCG-SPW-TJC

4. Name of Judge assigned to your case

Susan P. Waters

5. Approximate date of filing lawsuit

June 11th 2020

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition.

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Still pending with a "STAY" on part until further proceedings are had.

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☒ Yes☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Ryan Patrick Sullivan

Defendant(s) Wold, Beuchler, Halverson, Hyde, Rose-Feringer

2. Court (if federal court, name the district; if state court, name the county and State)

U.S. District Court, District of Montana, Billings Division

3. Docket or index number

CV-20-00080-BLG-SPW-TJC

4. Name of Judge assigned to your case

Susan P. Waters

5. Approximate date of filing lawsuit

June 11th, 2020

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

Still pending

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 5-22-2021

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Ry
Ryan Patrick Sullivan
3025411
700 Conley Lake
Deer Lodge MT 59722
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address